

18772. Adulteration and misbranding of middlings. U. S. v. The Continental Milling Co. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 25717. I. S. Nos. 029405, 029427, 029433.)

Examination of the shipments of middlings herein described showed that the article contained less fat than declared on the label, portions of the article were also deficient in protein and contained excessive fiber, two of the shipments bore no statement on the labels of the quantity of the contents.

On June 25, 1931, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Continental Milling Co., a corporation, Ellicott City, Md., alleging shipment by said company, in violation of the food and drugs act as amended, on or about February 15, 1930, and March 19, 1930, from the State of Maryland into the State of Virginia, of quantities of middlings which were misbranded, and a portion of which was also adulterated.

Two lots of the article were labeled in part: (Tag) "Pure Wheat White Middlings, Guaranteed Analysis Protein 16.50% Fat 5.00% * * * Fibre 3.25% * * * [stamped on tag] The Continental Milling Company Ellicott City, Md." The third lot of the article was labeled in part: "Continental Middlings, 100 Lbs. Net When Packed Guaranteed Analysis Protein 14.00%, Fat (Ether Extract) 4.00% * * * Fiber 8.00%. Ingredients: Wheat Middlings, Wheat Bran and Ground Screenings not exceeding mill run. Manufactured by The Continental Milling Co. Ellicott City, Md."

It was alleged in the information that the portion of the article, labeled "Continental Middlings," was adulterated in that ground screenings and bran in excess of the mill run had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength; and in that a product deficient in protein and fat and containing added ground screenings and bran in excess of the mill run had been substituted for the said article.

Misbranding was alleged with respect to all lots of the product for the reason that the statements, "Guaranteed Analysis * * * Fat 5.00% * * * Fibre 3.25%," with respect to a portion of the white middlings; the statements, "Guaranteed Analysis Protein 16.50%, Fat 5.00% * * * Fibre 3.25%," with respect to the remaining lot of the white middlings, and the statements, "Guaranteed Analysis Protein 14.00%, Fat (Ether Extract) 4.00% * * * Ingredients: Wheat, Middlings, Wheat Bran and Ground Screenings not exceeding mill run," with respect to the said Continental middlings, were false and misleading in that the statements represented that the article contained the percentages of protein, fat, and fiber declared on the labels; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained the said percentages of protein, fat, and fiber; whereas one lot of the white middlings contained less fat and more fiber than labeled, one lot contained less protein, less fat, and more fiber than labeled, and the Continental middlings contained less protein and less fat than labeled, and contained ground screenings and bran in excess of the mill run. Misbranding was alleged with respect to both shipments of the white middlings for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 25, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18773. Adulteration and alleged misbranding of butter. U. S. v. 13 Tubs, et al., of Butter. Consent decree of condemnation entered. Product released under bond. (F. & D. Nos. 25270, 25272. I. S. Nos. 3247, 3248. S. Nos. 3446, 3463.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by act of Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of New York.

On September 26 and September 29, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 95 tubs of butter, remaining in the original unbroken packages at Buffalo, N. Y., consigned by the Great Lakes Terminal Warehouse, Detroit, Mich., alleging that the article had been shipped from Detroit, Mich., on September 5, 1930, and had been transported from the State of Michigan into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.